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March 24, 2020

VIA ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Frederick Funes v. City of New York, et al., 18-CV-9558 (JMF)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendants City of New York, Captain Fernandez, and Captain Muhammad in the above-referenced matter. Defendants write respectfully to request a stay of this action, and a corresponding adjournment of all pending deadlines and conferences given the current medical emergency. This is the first of such request. Plaintiff is currently incarcerated and, thus, unavailable by telephone. Accordingly, this request is submitted without plaintiff's consent.

By way of background, plaintiff alleges in his complaint, *inter alia*, that on February 15, 2018, he was subjected to excessive force by several correction officers. An Initial Pre-Trial Conference was scheduled for March 26, 2020, at 2:15 p.m. To date, defendants have served plaintiff with various documents, including Initial Disclosures and Local Rule 33.2 Interrogatories and Requests for Production of Documents.¹ The parties have also submitted a proposed Case Management Plan and Scheduling Order for the Court's endorsement. (See ECF No. 36) On March 23, 2020, the Court adjourned the Conference in light of the COVID-19 emergency and ordered, *inter alia*, that discovery proceed in accordance with the schedule and guidance in the Court's March 23, 2020 Order. (See ECF No. 45) The Court further ordered the undersigned to mail a copy of the March 23, 2020 Order and inform Great Meadow Correctional Facility of the adjournment of the Conference. (See ECF No. 45)

¹ Defendants served these documents by mail on March 12, 2020.

While it is defendants' sincere intent to comply with the Court's March 23, 2020 Order, there has been a drastic change in circumstances given the current health crisis. Further, the Mayor has issued an Executive Order directing non-essential City employees to work remotely. Consequently, the current Coronavirus Pandemic has caused scheduling conflicts and logistical issues that necessitate the need for this stay. Defendants assure the Court that they remain committed to moving this case forward as expeditiously as possible, but ask for some leniency in these trying circumstances. Additionally, as mentioned above, the undersigned has been directed to work from home and there are limited staff working in the Office, and thus defendants are unable to print and mail a copy of this application to plaintiff. Accordingly, defendants respectfully request that they be relieved of this obligation. Notwithstanding, the undersigned submits that the facility is aware of the adjournment of the Conference, and the undersigned has also asked the facility to provide plaintiff with a copy of the Court's March 23, 2020 Order.

Based on the foregoing, defendant City of New York respectfully requests that the Court stay the instant matter, and respectfully requests that all pending deadlines and conferences in this case be adjourned. The undersigned can provide a status update to the Court in thirty days regarding defendants' position with respect to discovery in this matter.

Thank you for your consideration herein.

Respectfully submitted,



Stephanie Michelle Vilella Alonso
Assistant Corporation Counsel

cc: **BY FIRST-CLASS MAIL**

Frederick Funes
Plaintiff Pro Se
DIN #: 19-A-0167
Great Meadow Correctional Facility
P.O. Box 51
Comstock, New York 1281-0051

All dates and deadlines are hereby EXTENDED by 30 days. Within 30 days of the date of this order, Defendants shall submit a status letter addressing whether they are prepared to proceed and whether they believe any further changes to the schedule are necessary. The Clerk of Court is directed to terminate ECF No. 46.

The Court will mail a copy of this endorsed letter and the Court's prior order at ECF No. 45 to Plaintiff.



March 25, 2020